

**SPORTING SHOOTERS ASSOCIATION OF AUSTRALIA (VICTORIA).  
(A Company Limited by Guarantee)**



**BY-LAWS 1999**

“Amended by motion approved at State Executive Council Meeting  
26 September 2002”

“Amended by motion approved at State Executive Council Meeting  
20 February 2003”

“Amended by motion approved at State Executive Council Meeting  
16 September 2004”

“Amended by motion approved at Board of Directors Meeting  
26 March 2015

“Amended by motion approved at Board of Directors Meeting  
28 October 2017

**SSAA (VIC) POSTAL BALLOT BY-LAWS 1999**

The Executive Council makes the following By-Laws with amendments noted as above.

## **PART 1 – PRELIMINARY**

### **1. Objective**

The objective of these By-Laws is to prescribe all matters which relate to:

- a) The conduct of elections by postal ballot for members of the Executive Council.
- b) The conduct of a poll on each motion submitted by members to be placed before a General Meeting of the Company.

### **2. Authorising Provisions**

These By-Laws are made under Article 32 of the Company's Articles of Association.

### **3. Commencement**

These By-Laws come into operation on the date they are duly executed.

### **4. Definitions**

In these By-Laws:

**“Adult”** means a person over the age of eighteen years;

**“Article(s)”** means the Company's Articles of Association;

**“Ballot material”** means the ballot material sent to members under By-Law 16(e);

**“Company”** means Sporting Shooters Association of Australia (Victoria), a company limited by guarantee and not having a share capital, incorporated on 1<sup>st</sup> October 1973;

**“Electoral roll”** means the roll of eligible voting members, as defined by Article 69;

**“Last day of voting”** means a day not later than the date of the election not being a Saturday, Sunday or public holiday and fixed by the Returning Officer as the last day on which postal ballots may be validly received by him or her unless altered in accordance with these By-Laws;

**“Postal ballot box”** means a ballot box or any other container used at an election by postal voting for the receipt or safekeeping of envelopes containing ballot papers;

**“Simple majority ballot”** means the greatest number of votes will win the position; and

**“SSAA (Vic)”** means Sporting Shooters’ Association of Australia (Victoria).

## **PART 2 – ELECTIONS**

### **5. *Returning Officer***

Pursuant to Article 68 the Company’s Accountant is appointed the Returning Officer for the purposes of:

- (a) Conducting elections for the members of the SSAA (Vic) Executive Council.
- (b) Conducting a poll on motions submitted by members to be placed before a General Meeting of the Company.

### **6. *Deputy Returning Officer and Polling Officials***

The Returning Officer may, by writing, appoint a Deputy Returning Officer to assist the Returning Officer or to act in the absence of the Returning Officer, and may in the same manner appoint polling officials to assist in the conduct of elections.

### **7. *Election Officials not to be Candidates***

The Returning Officer, Deputy Returning Officer, or any other polling official must not be a candidate at the election.

### **8. *Electoral Roll***

- (a) The electoral roll must include the following information:
  - i. the year of the roll;
  - ii. the number of voting members;
  - iii. the surname and other name(s) of each voting member; and
  - iv. the current address to which ballot material is to be sent for each voting member.
- (b) The National Office Secretary for the Sporting Shooters Association of Australia is to undertake the following:

- i. prepare a hard copy of the electoral roll and an electronic version of the electoral roll (in ASCII comma delimited format);
  - ii. certify as to the completeness and accuracy of the electoral roll's eligible voting members' details, by signing to that effect on the hard copy of the electoral roll; and
  - iii. deliver both versions of the electoral roll by express post directly to the Returning Officer.
- (c) While only eligible voting members, as per Article 65, of the constitution are entitled to vote in the election, provision for the postal balloting process is to be made such that the cut-off for eligibility is to be set at fourteen (14) months prior to the AGM.

## **9. Notice of Election**

- (a) The Returning Officer must give notice to the SSAA (Vic) members of every election in one or more of the following:
- (i) by notification contained in the members' newsletter that has been mailed to their known address;
  - (ii) by an insert contained in the SSAA National publication and mailed to members;
  - (iii) by direct mail to members eligible to vote in the ballot and who do not receive a copy of the members' newsletter or the SSAA National publication;
  - (iv) by notification contained in the public notices section of a Victorian newspaper; and v) by electronic means.
- (b) The notice must specify:
- (i) the vacant positions for which the election is to be held;
  - (ii) a call for nominations for the vacant positions;
  - (iii) a call for motions to be put to the General Meeting;
  - (iv) the final time (5.00pm) and last day of the close of nominations (nomination day) and close of the submission of motions, which must be within eight weeks but no less than four weeks after publication of the notice and no less than eight weeks before the day of election;
  - (v) the name and actual address of the Returning officer;
  - (vi) the postal and/or actual address at which the Returning Officer shall receive nominations and motions;

- (vii) the last day of voting which must be within sixteen weeks but no less than ten weeks after the publication of notice.

## **10. Motions submitted in the Poll of Voting Members**

- (a) Each motion submitted, in the poll of voting members, for the General Meeting must be signed and accompanied with the name, address and membership number of the proposer and seconder.
- (b) Both the proposer and seconder of motions must be adult or life members of the SSAA (Vic) of at least twelve months standing.
- (c) The Returning Officer Shall, within seven working days after the deadline for lodgement of motions has passed, submit all valid motions to the State Executive Council, who will ensure that they are placed on the agenda for the next State conference.
- (d) The State Secretary will cause the transactions of the conference as they relate to the debate over the motions to be accurately recorded. The Secretary will further ensure that a certified copy of the transactions is submitted to the returning officer within fourteen days after the State conference.
- (e) The returning officer will include the transaction of the state conference debate, or an accurate summary of same, as it relates to each motion immediately after the original motion on the ballot paper.
- (f) The Returning Officer shall contact each proposer and seconder of a motion to see if they wish to include their telephone number in the motions booklet for distribution to the membership. Where the proposer and seconder agree to include their telephone number the Returning Officer shall cause it to be included along with the motion and State Conference transactions in the motions booklet.
- (g) A submitted motion seeking a constitutional amendment to the Company's Memorandum and Articles of Association can only occur with a 75% majority vote "for" the motion; for any other submitted motion a simple majority vote will apply.

## **11. Nominations**

- (a) Only a member eligible to vote at an election may be a candidate at that election.
- (b) A member eligible to vote at the election wishing to be a candidate at an election must before 5.00 p.m. on the nomination day deliver to the Returning Officer, a nomination paper in accordance with Form A naming the member as a candidate at the election.
- (c) Each nomination paper must be:

- i. signed by two members eligible to vote at the election, whom are titled “proposer” and “seconder”;
  - ii. accompanied with the proposer’s and seconder’s name, address and membership number;
  - iii. attached to a written statement of acceptance of nomination by the member consenting to be a candidate at the election.
- (d) The Returning Officer shall certify that the candidate and the nominators are entitled to vote at the election.
- (e) The nomination paper may have attached to it a recent photograph of the candidate and a personal statement of not more than 200 words by the candidate. The personal statement and candidate photograph, if submitted, forms a part of the nomination paper and must be received by the Returning Officer by the close of nomination day.
- (f) A member eligible to vote at the election is restricted to being nominated as a candidate for only one position on the SSAA (Vic) Executive Council.
- (g) Upon receipt of a request for a candidate nomination paper (Form A) the SSAA (Vic) shall ensure that a copy of the most recent version of the SSAA (Vic) Postal Ballot By-Laws 1999 is, along with the nomination paper, posted to the address specified by the person requesting the nomination paper.

## **12. *Uncontested Elections***

If there is only one candidate nominated in accordance with these By-Laws at any election, the Returning Officer must by notice, published in the SSAA (Vic) members’ newsletter, declare that candidate duly elected and forward a copy of the notice to the Executive Council.

## **13. *Contested Elections***

The Returning Officer must in respect to a contested election announce the names of the candidates nominated for each position in accordance with these By-Laws, and forward a copy of the notice to the State Office.

## **14. *Withdrawal or Death of a Candidate***

- (a) A candidate for any election may withdraw his or her consent to his or her nomination by lodging with the Returning Officer a notice of retirement at any time before the commencement of the scrutiny.
- (b) Such person shall thereupon not be capable of being elected at such election.

- (c) If any candidate dies after the nomination date and before the commencement of scrutiny, the Returning Officer shall proceed with the election without such candidate in accordance with these By-Laws.
- (d) If any candidate dies or withdraws from the election before commencement of the scrutiny, the Returning Officer will:
  - i. declare the remaining candidate elected unopposed in accordance with these By-Laws;
  - ii. if more than one candidate remains, then the remaining candidate with the greatest number of votes shall be declared elected in accordance with these By-Laws.

### **15. Candidate's Personal Statement.**

- (a) A candidate may lodge a personal statement for inclusion in the ballot material sent to each voter.
- (b) A candidate cannot in his or her personal statement refer to another candidate standing in the election without the written consent of that other candidate.
- (c) Written consent as required must be lodged together with the candidate's personal statement.
- (d) A candidate may provide a recent photograph of passport- photograph size for inclusion in the candidate's personal statement.
- (e) If a candidate provides a photograph he or she must write his or her name on the back of the photograph and the name of the election if appropriate. A candidate photograph may be supplied in electronic format. Any such photograph must be supported by the candidate's declaration as to the identity of the subject.
- (f) The Returning Officer must only print the first 200 words of a candidate's personal statement.
- (g) The Returning Officer may:
  - i. liaise with any candidate with respect to the content and form of his or her personal statement;
  - ii. amend a candidate's personal statement in accordance with the written authorisation of the candidate or a person duly authorised by the candidate.
- (h) The Returning Officer must keep a record of all amendments made to a candidate's personal statement.
- (i) The Returning Officer must reject a candidate's personal statement if it contains any reference to any other candidate standing for the election without the written consent of that other candidate.

- (j) A candidate who lodges a personal statement is responsible for the accuracy, grammar and integrity of all statements contained in it.
- (k) The candidate's personal statement is not to be prepared by or assisted in preparation by any paid employees or contractors of the SSAA (Vic), nor is the statement to be compiled or stored upon any electronic equipment belonging to the SSAA (Vic) nor is the statement to be received by or forwarded in any form to the Returning Officer by any paid employees or contractors of the SSAA (Vic).
- (l) Notwithstanding Clause 15 (m), the SSAA (Vic) may, after the close of nomination day, receive a copy of the candidate's nomination paper and personal statement for storage in the SSAA (Vic) records. Such record is not to be provided or made available to any candidate for use in future elections.

## **16. Polling**

- (a) Within two weeks of the close of nominations the Returning Officer must hold a random draw ballot, at the address at which nominations are received, to determine the order of surnames on the ballot paper.
- (b) Candidates may be present at the random draw ballot.
- (c) In the event of a contested election the Returning Officer must cause ballot papers to be printed in accordance with Form B showing the surnames and other names of the candidates as they appear on the nomination form.
- (d) The National Office Secretary for the Sporting Shooters Association of Australia must within seven days after the nomination day, supply the Returning Officer with the electoral roll (defined in By-Law 8) of eligible voting members at the date of the notice of election.
- (e) The Returning Officer must, not later than the thirtieth day before the last day on which votes can be received, send by post, or cause to be delivered, to each voter:
  - i. the ballot paper or ballot papers for the election;
  - ii. copies of any candidate photographs and statements provided;
  - iii. copies of any motions submitted in date order of receipt, including an accurate account of the state conference debate conducted for each motion;
  - iv. how to vote instructions; and
  - v. a return pre-paid addressed business reply envelope bearing the Returning Officer's address on the obverse face and that includes provision for the Member's name and membership number on the reverse face.



- (f) An election is not invalidated by reason merely that ballot papers have been irregularly forwarded to persons who are not entitled to vote.

### **17. Form of the Ballot Paper**

A ballot paper under these By-Laws:

- (a) Must be in accordance with Form B.
- (b) Must not contain a candidate's title or qualifications or reference to political, allegiances or causes.

### **18. Return of Ballot Papers**

- (a) The voter must:
  - i. insert the ballot papers marked in accordance with By-Law 24 in the reply paid envelope provided and seal the envelope;
  - ii. print his or her name and membership number on top of the ballot paper in the places provided;
- (b) The voter must post or deliver the envelope containing the ballot papers to the Returning Officer at the address on the envelope so as to reach the Returning Officer no later than 5.00 p.m. on the last day of voting or deliver it to such a place as designated by the Returning Officer for that purpose not later than 5.00 p.m. on the last day of voting.

### **19. Issue of New Ballot Papers**

If a voter gives to the Returning Officer a declaration to the effect that the voter has not received a ballot paper or that the ballot paper received has been lost, spoiled or destroyed, and that the voter has not already voted, the Returning Officer may issue a new ballot paper to that voter.

### **20. Returning Officer to deal with Envelopes on receipt**

The Returning Officer or the substitute Returning Officer with the assistance of any polling officials may before the close of voting:

- (a) Examine all ballots for completeness and correctness and disallow the incomplete or incorrect ballots.
- (b) Carry out the process as described under Section 23 of these By-Laws.

## **21. Place where the votes are to be counted.**

The Returning Officer must designate the place or places where the votes are to be counted and must advise each candidate where the count is to be made.

## **22. Scrutineers**

- (a) Both the Executive Council or a candidate may appoint a scrutineer to scrutinise the electoral activities outlined in By-Law 22 (e) below;
- (b) A notice of appointment of scrutineer under these By-Laws must be in accordance with Form C;
- (c) A declaration by a scrutineer under these By-Laws must be in accordance with Form C;
- (d) If a scrutineer is absent from the counting table another scrutineer may take his or her place;
- (e) A scrutineer may be appointed by the Executive Council or a candidate to scrutinise the following electoral activities only:
  - i. the receipt and processing of ballot paper envelopes;
  - ii. the counting and recounting of ballot papers;providing always that scrutineers do not interfere with or disrupt the counting process or compromise the secrecy of the voter's identity.
- (f) The Returning Officer may have a scrutineer removed if:
  - i. the scrutineer is guilty of misconduct;
  - ii. the scrutineer fails to obey a lawful direction from an authorised person.
- (g) A person cannot be appointed a scrutineer if he or she is:
  - i. a candidate in any election for the Executive Council;
  - ii. under the age of eighteen years.
- (h) All aspects of the scrutineering procedure are at all times under the control and at the absolute discretion of the Returning Officer.

## **23. Scrutiny**

Prior to the closure of the poll, the Returning Officer or the substitute Returning Officer with the assistance of any polling officials may:

- (a) Produce unopened any or all envelopes containing ballot papers received up to the time of the closing of the poll.
- (b) Examine each ballot and if it states the necessary particulars in accordance with the electoral roll and otherwise complies with these By-laws, accept the vote for further scrutiny.
- (c) If an ballot is not properly completed or otherwise does not comply with these By-laws, reject the vote.
- (d) Place a mark on the electoral roll next to the name of each member whose ballot has been admitted to the count.
- (e) Place the ballot in a container so that the names and membership numbers of the voters are not visible.
- (f) During the poll, open each accepted envelope, withdraw the ballot paper or ballot papers and deposit in the ballot box.
- (g) When all of the ballot papers have been deposited in the ballot box, withdraw the ballot papers and count the votes, recording each vote counted.

#### ***24. Validity of Ballot Paper***

- (a) For each Executive Council position being elected, a voter must mark his or her vote by placing once only a tick in the square opposite the name of the candidate so as to indicate his or her choice for them.
- (b) For each motion submitted a voter must mark his or her vote by placing once only a tick in the square opposite the "For" or "Against" so as to indicate his or her decision.
- (c) If a tick has not been recorded by the voter, then a valid vote is any mark that clearly indicates the voter's intention; provided there is only one mark per position.
- (d) The Returning Officer shall make a final ruling on interpreting the voter's intention and that ruling shall be final.

#### ***25. Adjournment of Scrutiny***

The Returning Officer may from time to time adjourn the scrutiny to a day and hour fixed by the Returning Officer and notified to the scrutineers.

#### ***26. Notification and Publication of Results***

- (a) Pursuant to Article 68, after the conclusion of the count, the Returning Officer will report the results of:

- i. the poll for each motion before the General Meeting;
- ii. the voting for each candidate for election;

to the State Office in writing as soon as practicable.

(b) After announcing the results at the General Meeting, the CEO or his delegate must:

- i. notify all candidates of the result of the election; and
- ii. publish the results in the earliest SSAA (Vic) members' newsletter that is published after the AGM.

## **27. Recounts**

(a) In the event of a tied vote, the Returning Officer will perform a recount. If the vote is still tied after the recount the Returning Officer will:

- i. in the event of a tied election, conduct a random draw to determine the successful candidate, however should the incumbent be a tied candidate then the Returning Officer will declare the incumbent candidate duly elected;
- ii. in the event of a motion with a tied vote the motion will deem to be defeated, however a motion seeking to change the Company's Memorandum and Articles of Association will require a 75% majority pursuant to By-Law 10(d)

(b) At any time before the publication, in the SSAA (Vic) members' newsletter, of the results of any election, the Returning Officer may on the written request of any candidate conduct a recount of votes, provided:

- i. the disputing candidate pays an upfront dispute fee to the Returning Officer equivalent to the full cost of the recount.
- ii. the dispute fee will only be refunded to the disputing candidate by the Returning Officer if the dispute is upheld.

## **28. Disposal of Ballot Papers**

Pursuant to Article 68 the Returning Officer must, at the expiration of one year after the General Meeting, cause all ballot papers and envelopes used at the election to be destroyed.

## **29. Provisions of Local Government Act 1989 to apply**

Subject to these By-Laws, the mode of conducting each election and poll, provisions in respect of appointment of scrutineers, method of counting the votes and ascertaining the results including cases of equal voting shall

be in accordance with the provisions of the *Local Government Act 1989* so far as they can be made applicable with any necessary modifications.

# CONSTITUTION OF THE SSAA VICTORIA

## ACCOMPANYING BY-LAWS

### CLAUSE 47 - MEMBER DISCIPLINE

#### 1. Preamble

- 1.1 These by-laws govern matters of member discipline pursuant to Clause 47 of the constitution of the SSAA Victoria adopted 24<sup>th</sup> September 2020. Sub Clauses 47.1 to 47.9 detail the principles and procedures for dealing with issues potentially resulting in disciplinary action against a member. Actions and penalties may range from caution to reprimand to suspension to expulsion. The ultimate sanction which may be applied to a member by way of penalty for conduct held to be in breach of the Association's governance framework (the constitution, rules, policies, the procedures manual and the code of conduct) is expulsion.
- 1.2 The need for adoption of these by-laws arises from the power vested in the Board under the constitution to deal with member discipline. However, while vesting ultimate authority in the Board, the constitution at Sub Clause 47.3 determines that "Disciplinary matters shall be dealt with pursuant to By-Laws." The constitution also provides that "Where the decision of the Board is that a member should be expelled from membership of the Company, the member shall have a right of review of the Board's decision exercisable within 28 days to a panel of independent members comprising a review Committee constituted pursuant to Company By-Laws."
- 1.3 While the Board has the power to determine cases up to and including matters which attract the penalties of caution, reprimand, suspension and expulsion, it is not mandated under the constitution to review the lesser penalties of caution, reprimand and suspension. Further, it is the Board's overall mandate to oversee governance of the organisation and determine its strategic direction. Therefore, on occasion, because the appropriate penalty is likely to be one of the lesser penalties, the Board delegates to State Office the authority to deal with matters where the penalty is a caution, reprimand or suspension of up to 3 months, with the imposition of suspensions being subsequently reported to the Board.

#### 2. Board Disciplinary Process

- 2.1 The broad guidelines governing how the Board deals with matters of member discipline are contained at Clause 47 of the constitution. In addition, the detailed Board process includes the following:
  - a) If the Board is satisfied that there are sufficient grounds for taking disciplinary action against a member, it is to convene to hear the matter and determine what action, if any, to take against the member.
  - b) At the meeting, the Board at its discretion, will consider all relevant information available including but not limited to complaints/reports by individuals, a report by State Office, witness statements, and a written and/or in-person submission from the member. The Board, at its discretion, may allow third-party representative submissions and/or the attendance of a support person for the member.

- c) The Board is to decide to:
  - i) take no (further) action against the member; or
  - ii) suspend the member for longer than 3 months; or
  - iii) expel the member from the Association.

2.2 The suspension of membership rights of the member takes effect immediately after the Board decision is made. Expulsion or reinstatement of member rights takes effect after Board consideration of the review committee recommendation, where a review has occurred. Where there is no review, expulsion takes effect from the initial Board decision.

### **3. Appointment of a Review Committee**

- 3.1 With respect to matters resulting in a member's expulsion from the Company, a committee appointed on an *ad hoc* basis is to be charged with the responsibility of reviewing the Board's decision to expel, and subsequently recommending to the Board whether that decision should stand, be varied or be reversed.
- 3.2 The committee is constituted only to make recommendation to the Board. It is advisory in nature, with no authority to reverse or vary Board decisions.

### **4. Charter of the Review Committee**

- 4.1 The review committee will operate as a formal *ad hoc* committee of the Board, with its charter as follows:
  - a) The purpose of the review committee is narrow in scope. The committee is to be formed to review a decision of the Board to expel a member. Its authority derives from Board delegation, in turn based on Section 47.3 of the constitution which deals with the appointment of a review committee. The purpose of any review which the committee undertakes is to ensure that:
    - i) the Board is delivering procedural fairness;
    - ii) the process and the conclusions drawn by the board in reaching its decision are sound;  
and
    - iii) the penalty is warranted and proportionate.
- 4.2 The committee, having been appointed to review the decision, has wide latitude or scope on how it proceeds. Depending on the circumstances of the individual case, the committee may call for the documentation pertaining to the case, may interview Board members and/or the CEO, interview other affected parties, and may invite the affected member to appear before a specially convened meeting.
- 4.3 After due consideration and reaching a unanimous decision, the committee is to submit its recommendation/s, including reasoning, in writing, to the Board through the CEO. The substantive recommendation will be for the Board's decision for expulsion to stand, be varied or reversed.
- 4.4 State Office is to provide administrative support to the committee.

## **5. Committee of Review Structure**

- 5.1 The committee is to be appointed by the Board on an *ad hoc* basis. It is to comprise 3 members, drawn from the general membership with the qualification to vote in Board elections. The chair is also to be appointed by Board, either on an *ad hoc* basis or by on-going appointment. Appointment and termination of the chair is at the discretion of the Board.

## **6. Review Committee Procedure**

- 6.1 Meetings of the committee are to be conducted on the basis that:
- a) the quorum is to be three members;
  - b) meetings are to be formal, including a conflict of interest declaration, a statement of confidentiality, minutes kept and a written report presented to the Board on conclusion of its deliberations; and
  - c) the committee may call witnesses, review written materials and interview the Board and/or individual Board members.
- 6.2 With respect to the subject of the review, the expelled member is to have 28 days to lodge to State Office a request for a review by the committee. The committee is to afford the member the opportunity to make submission for consideration, both in writing and in person.
- 6.3 The committee is under no obligation to receive submission or representation by any other party representing the member. Any support person permitted by the committee is an observer only. He or she is not entitled to make representation. All actions of the review committee are at its discretion and not subject to review.
- 6.4 In the event that the committee fails to reach a unanimous decision, the Board decision to expel stands.